

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOSEPH ROLANDO JACK,

No. C 12-2459 DMR

Plaintiff(s),

**ORDER RE PLAINTIFF'S LETTER OF
SEPTEMBER 4, 2012**

v.

LORETTA JACK,

Defendant(s).

On September 4, 2012, Plaintiff filed a letter requesting that the court (1) order Defendant to file certificates of service along with her submissions and (2) provide Plaintiff with unredacted copies of Defendant's motion to appear by telephone, [Docket No. 30]. [Docket No. 31.] The court addresses each issue in turn.

A. Proper Service and Filing of Court Documents

Nearly all cases in the Court must participate in the Court's Electronic Case Filing ("ECF") system. N.D. Cal. Civ. L.R. 5-1(b). However, in cases with in which a party does not have a lawyer (a "*pro se* party"), that party may not file electronically unless granted permission. *Id.* Instead, a *pro se* party must follow the service and filing procedures set forth in Federal Rule of Civil Procedure 5(b) and (d), and Civil Local Rules 5-2 and 5-5. These rules require a *pro se* party, such as Defendant, to **serve any document that she plans to file with the Court upon the opposing party's counsel by mailing it to her last known address.** Fed. R. Civ. P. 5(b)(1), (2)(C).

1 **Defendant then must file the document with the Court by mailing it to the Court's Office of the**
2 **Clerk with a certificate of service.** Fed. R. Civ. P. 5(d)(1)-(2); N.D. Cal. Civ. L.R. 5-2(a), 5-5.
3 **The certificate of service must state the date, place, and manner of service on the opposing**
4 **party's counsel, and the names and street address of the person served, certified by the person**
5 **who made service.** N.D. Cal. Civ. L.R. 5-5(a)(2).

6 To date Plaintiff's counsel has received notice of Defendant's filings, but only because
7 Plaintiff's counsel has relied on the Court's ECF system to inform her of Defendant's actions.
8 However, the responsibility for affecting proper filing and service of Defendant's documents lies
9 with Defendant and not the Court. As this case moves forward, **the court instructs Defendant to**
10 **follow all of the Federal Rules of Civil Procedure and the Court's Civil Local Rules**, which
11 Defendant can find on the Court's website at <http://cand.uscourts.gov/rules>. Defendant's duty to
12 follow the Rules remains even if she has not retained counsel.

13 **B. The Redacted Motion**

14 With respect to Plaintiff's second request, Defendant provided the court with her telephone
15 numbers and other contact information in her motion. However, expressing fears for her safety, she
16 asked the court to not reveal the information to Plaintiff or the general public. The court
17 consequently ordered the information redacted in the docketed motion. Future filings will be
18 provided to Plaintiff in their entirety, and Defendant should tailor her submissions accordingly.

19
20 IT IS SO ORDERED.

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22 Dated: September 5, 2012

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25 DONNA M. RYU
26 United States Magistrate Judge
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